

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**SIRI SINGH SAHIB CORPORATION;  
SIKH DHARMA INTERNATIONAL;  
UNTO INFINITY, LLC; and 3HO  
FOUNDATION INTERNATIONAL,**

Plaintiffs,

v.

**THE CINCINNATI SPECIALTY  
UNDERWRITERS INSURANCE  
COMPANY,**

Defendant.

Case No. 3:21-cv-01758-YY

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

Paul A. Mockford and Michael E. Farnell, Parsons Farnell & Grein LLP, 1030 SW Morrison Street, Portland, OR 97205. Attorneys for Plaintiffs.

Gary A. Sparling, Misty A. Edmundson, and Cristin Cavanaugh, Soha & Lang, 1325 4th Avenue, Suite 940, Seattle, WA 98101. Attorneys for Defendant.

**IMMERGUT, District Judge.**

On July 19, 2023, Magistrate Judge Youlee Yim You issued her Findings and Recommendations (“F&R”), ECF 52, recommending that Defendant’s Motion for Leave to Amend its Answer, ECF 43, be GRANTED in part and DENIED in part. This Court has

reviewed de novo the portion of the F&R to which Plaintiff objected. This Court ADOPTS Judge You's F&R.

### STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*<sup>1</sup> But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### CONCLUSION

This Court has reviewed de novo the portions of Judge You's F&R to which Defendant objected. Judge You's F&R, ECF 52, is adopted in full. This Court DENIES Defendant's Motion for Leave to Amend its Answer, ECF 43, as to the request for declaratory judgment on "any of

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<sup>1</sup> As noted by the F&R, granting a motion for leave to amend the pleadings under Federal Rule of Civil Procedure 15 is within a magistrate judge's jurisdiction. *See* F&R, ECF 52 at 2 n.1 (citing *U.S. Dominator, Inc. v. Factory Ship Robert E. Resoff*, 768 F.2d 1099, 1102 n.1 (9th Cir. 1985), *superseded by statute on other grounds as recognized in Simpson v. Lear Astronics Corp.*, 77 F.3d 1170 (9th Cir. 1996)). Because the F&R grants in part and denies in part Defendant's Motion for Leave to Amend its Answer, ECF 43, the appropriate standard of review for this Court may be clear error rather than de novo. *See* 28 U.S.C. § 636(b)(1)(A). Still, this Court has reviewed the entire F&R de novo, and because the F&R satisfies de novo review, it necessarily satisfies clear error review.

the unlitigated claims related to the alleged abuse by Yogi Bhajan,” F&R, ECF 52 at 9, and otherwise GRANTS Defendant’s motion.

**IT IS SO ORDERED.**

DATED this 25th day of October, 2023.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge